

**Town of Stephens City Planning Commission  
Minutes  
Tuesday, September 30, 2008 (7:30p.m.)**

The Town of Stephens City Planning Commission held the regularly scheduled meeting this month, on Tuesday, September 30, 2008 at 7:30 p.m.

**Attendees:**

Chairman, Linden “Butch” Fravel, Jr  
Commissioner Martha Dilg  
Commissioner Joe Grayson  
Commissioner Bob Wells  
Commissioner Bill Copp  
Commissioner Susan Boyd  
Commissioner Jesse Fox

**Absent:**

**Staff Present:**

Town Planner, Brian Henshaw

**Also Present:**

Jason Kane, Winchester Star  
Patrick Sowers, PHR&A  
Ron Mislowsky, PHR&A  
Clay Athey, Attorney for Russell-Stephens City  
Ron Strosnider, Realtor  
Evan Wyatt, Greenway Engineering

**Call to Order:**

With a quorum present, Chairman Fravel called the meeting to order at 7:30 p.m.

Chairman Fravel pointed out few minor corrections the minutes. Town Planner, Mr. Brian Henshaw made note of the changes and stated that he make the corrections.

Mr. Jesse Fox moved to approve the 2008 minutes. Mr. Bill Copp seconded the motion. The minutes were approved.

Mr. Bob Wells moved to adopt the agenda. Ms. Martha Dilg seconded the motion. The agenda was approved.

**New Business:**

***Bluestone Industrial/ Office Park:***

Mr. Henshaw briefly introduced the Bluestone Industrial/ Office Park and explained how the sketch plan came to the Planning Commission. The reason for the sketch plan is a requirement of the Subdivision Ordinance and that the original plan came from a submittal of two office complexes being proposed along

the southern Route 11 corridor. VDOT had initial concerns with regard to the where and how this proposed entrance off of Route 11 tied into the future Western Bypass. VDOT requested that the applicant create a Master Plan for the entire development, however the Town does not have a Master Development Plan requirement, but would refer to such a plan as a “sketch plan”. Mr. Henshaw then introduced Mr. Evan Wyatt of Greenway Engineering to present the sketch plan.

Mr. Wyatt gave a brief background on the property and the concept of the sketch plan. The goal was to establish the future road alignments and conceptual land bays and types of uses being proposed within the Bluestone Industrial/ Office Park. Mr. Wyatt also stated that he presented this conceptual plan to the first Joint Land Use Committee meeting and had a few comment and changes. Mr. Wyatt was requesting a recommendation so that the Zoning Administrator could sign off on the plan so that they may resubmit the original Office Complex plan to VDOT for review.

Chairman Fravel inquired about the possibility of showing on the “sketch plan” a road that would show an extension of the bypass to Salem Church Road. Mr. Wyatt explained that VDOT had some apprehensions about showing the connections the bypass and other future roads but referred to the narratives outlined in the sketch plan as well as assured that Planning Commission through the exhibit that they have purposely left enough potential right of way to ensure the extension of the bypass to Salem Church Road.

Mr. Henshaw also brought up to the Commission that this exhibit is conceptual and that a recommendation at this time does not lock the Town into any one plan. Furthermore the Town could require a TIA on any other subdivision throughout the entire development. At this time the applicant has proposed to offset any foreseeable impacts created by the proposed Office Complex Plan through the roadway design and signaling the Route 11 entrance.

Mr. Wyatt also added that he agreed with Mr. Henshaw, and added that the narrative committing to the 80’ right of way for the conceptual plan could be changed contingent on the outcomes of the Joint Land Use Committee with regard to the bypass or roadway connection alignment.

Mr. Wyatt also added that they feel they assessed the best possible land bays for the potential uses.

Mr. Henshaw stated the Planning Commission would be making a recommendation to the Zoning Administrator for approval. A recommendation this evening would not be the last time that the Planning Commission would get a say in the subdivision of the development.

Commissioner Wells moved to approve the sketch plan as presented. Commissioner Copp seconded the motion. The motion was approved.

### **Old Business:**

#### ***Russell- Stephens City Rezoning:***

Mr. Henshaw advised the Planning Commission that he had spoke to the Town Attorney and that he was working on the comments with regard to the most recent version of the Proffer Statement. Mr. Henshaw also handed out comments provided by the Town Engineer about the most recent version of the Proffer Statement. Finally Mr. Henshaw advised the Planning Commission that the Joint Land Use Committee was

making significant progress and that the committee was scheduled to meet on Tuesday, October 7<sup>th</sup> to get most recently updated version of the Future land Use Map and Future Land Use narrative.

Chairman Fravel suggested that it would be best to review the revised Proffer Statements and the comments provided by the Town Engineer.

The applicant representatives offered some explanation to the various comments with regard to the 80' right of way being built to VDOT standards and also discussed the potential or wondering of constructing the complete four lanes of east/west connector portion of the bypass at once. The applicant admits that this is a financial constraint by has altered the proffer statement to guarantee the delivery of the complete four lanes through benchmarks of the commercial, industrial, or the residential.

Chairman Fravel stated that the concern with roadways being constructed to VDOT specification strictly tied to the ability to dedicate the roadways to VDOT. Mr. Mislowsky with PHR&A offered insight that the roads would be built to VDOT construction standards but allowed the Town some flexibility to control where entrances and turn lanes lengths. Therefore the roads would be able to be dedicated VDOT.

Mr. Henshaw requested that the applicant's representatives go over the triggers set in the proffer statement as to what will start the road construction. Mr. Sowers of PHR&A went over the triggers with the Planning Commission.

Chairman Fravel brought up the issue of the potential school site and the possibility if it is not accepted as a school site that there would need to be some assurances that the 15 acres would be utilized as a Town Recreation Park. Mr. Athey, the Attorney for the applicant stated that if the school is not constructed within 10 years that the 15 acres would revert to the Town's vested interest to determine what would happen with the site. At that time the Town could turn the property over to the HOA or could renew the interest for the school or keep the property for the Town to create a park. Mr. Athey advised the Planning Commission that it would most likely be in the Town's best interest to have the ultimate the control over what happens on the site. Chairman Fravel also suggested that it be placed in the proffer statement that if the school was not constructed, that some active recreational facilities be included such as trails, playground equipment, etc.

Chairman Fravel inquired about when the dedication of the street right of way would begin. Mr. Sowers responded that this process would begin when the subdivision of the property would occur.

Chairman Fravel brought up the issue that the Joint Land Use Committee is scheduled to meet and is hoping to reach an agreement with regard to the Future Land Use Plan. Mr. Athey offered up some reasoning that the applicant would very much appreciate moving this process forward. Mr. Athey also understands the reasons for not moving forward at this meeting but at the very least moving with a recommendation from the Planning Commission as opposed to the application moving forward without a formal recommendation from the Planning Commission, but more of the technicality within the Town or State Code. Chairman Fravel stated that the Planning Commission has never let the "clock" run out and that it would be his goal not to allow it to happen on this application either.

Mr. Henshaw stated that at the next Planning Commission meeting, the commission would need to take action on the rezoning application. Mr. Henshaw also stated the Joint Land Use Committee is making a lot of progress and that it truly is in the best interest of the Town not to move forward at this time, because it could

be sending the wrong message. Chairman Fravel agreed and believes we are making significant progress at the Joint Land Use Committee and felt it would be appropriate to wait for another month.

Commissioners Wells inquired as to what the applicant was looking for again. Mr. Athey stated that it would be great if the Commission made a recommendation at this meeting, but understands that there are some political issues that should be addressed. Mr. Wells stated that he is in favor of the plan and feels that it is good plan the Town and the County should accept but understands the reasoning for not moving it forward at this time, but is concerned that the this good plan will eventually go away and wishes not to see this happen.

Commissioner Wells stated that he respects the members of the Joint Land Use Committee and if it is appropriate to table the application this time, then we should. Commissioner Dilg agreed and stated that this is within the Town's best interest. Commissioner Wells did request that the Committee be informed that the Planning Commission is on the "clock" and they are in favor of the plan and that it is with the essence of timing that the Joint Land Use Committee comes up with an agreement prior to the next Planning Commission meeting.

### **Discussion:**

#### ***Downzoning to Agricultural District:***

Mr. Henshaw brought to the Commission that the Carbaugh family approached him with the possibility of wishing to open up a Farm Market on their family farm in the western part of Town. Mr. Henshaw explained why the downzoning of their property may be the best way to handle this request because there are no provisions to create a farm market within the R-1 Zoning they currently are zoned. However within the Agricultural District Farm Markets are allowed.

Mr. Henshaw was seeking direction from the Planning Commission to research the possibility of downzoning the property and other similar properties within the Town that are essentially agricultural uses. The Commissioners agreed that Mr. Henshaw should research and determine if a unilateral downzoning is the best direction to move towards within the Town.

#### ***Briefing on Joint Land Use Committee:***

Throughout the discourse of the meeting, the Planning Commissioner felt they had a good idea about the progress that the Joint Land Use Committee was making.

Mr. Wyatt asked if he could address the Planning Commission. Chairman Fravel agreed and allowed Mr. Wyatt to address the Commission. Mr. Wyatt shared concerns about an over saturation of the commercial components, especially with regard to the Bluestone property. He also shared concern about the topography and that would cause some limitations for business and commercial attractions. Finally he also shared that he was concerned that the rail frontage should not be neglected because it is such a prized location for rail access. Mr. Henshaw simply stated that the committee and through working with the staff Fredrick County Planning Staff that what we are trying to create some flexibility within the Bluestone area so that if commercial opportunities were available, it wouldn't be a direct conflict with the Future Land Use plan being worked on.

***CPEAV Land Use Conference and Certified Classes:***

Mr. Henshaw needs to know who is interest in attending the Certified Planning Commission courses in Leesburg, Virginia. Commissioner Wells, Boyd, and Fox are interested in going.

**Correspondence:**

Mr. Henshaw handed out the Draft By-Laws to the Commissioners and asked that the Commission be prepared to discuss the By-laws at the next Planning Commission Meeting.

**Citizen Comment Period:**

There was no citizen's comment.

Hearing no comments, Chairman Fravel entertained a motion to adjourn.

Commissioner Wells made a motion to adjourn. Commissioner Fox seconded the motion.

The meeting adjourned at 8:46pm.

**Adjourn:**

Commissioner Bob Wells moved to adjourn and Commissioner Martha Dilg seconded the motion. The motion was approved.

Chairman Fravel adjourned the meeting at 8:34 p.m.